

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, *et al.*, §
§
Plaintiffs, §
§
EDDIE BERNICE JOHNSON, *et al.*, §
§
Plaintiff-Intervenors, § EP-21-CV-00259-DCG-JES-JVB
v. § [Lead Case]
§
§
GREG ABBOTT, *in his official capacity as Governor of the State of Texas, et al.*, §
§
Defendants. §

**ORDER GRANTING IN PART, DENYING IN PART
MOTION TO INTERVENE AS PLAINTIFF-INTERVENORS**

On December 15, 2021, a Motion to Intervene (ECF No. 91) was filed by Congresspersons Eddie Bernice Johnson, Sheila Jackson-Lee, and Alexander Green and by Jasmine Crockett, a member of the Texas House of Representatives. These four persons seek intervention as of right or, in the alternative, permissive intervention. Defendants oppose both forms of intervention. (ECF No. 116).

To intervene as of right, a person must show, *inter alia*, that the existing parties do not adequately protect his or her interests. *Saldano v. Roach*, 363 F.3d 545, 551 (5th Cir. 2004). The putative intervenors' interest is adequately represented by the present parties, especially Plaintiff Texas NAACP, whose president is counsel here for the would-be intervenors. We DENY intervention as of right.

Regarding permissive intervention, Defendants aver that the motion to intervene is untimely. The Court disagrees that the timing of the motion will cause delay, inefficiency, or

inconvenience to the Court or any party, including Defendants. *See Rotstain v. Mendez*, 986 F.3d 931, 942 (5th Cir. 2021). We exercise our considerable discretion and GRANT permissive intervention, provided, however, that the intervenors will not be heard to complain of actions taken, decisions made, or opportunities lost before they sought to intervene. *See generally* 6 JAMES W. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 24.10 (Matthew Bender 3d ed. 2021).

Accordingly, **IT IS ORDERED** that the "Motion to Intervene by Eddie Bernice Johnson, Sheila Jackson-Lee, Alexander Green, and Jasmine Crockett as Plaintiff-Intervenors" (ECF No. 91) is **GRANTED in part and DENIED in part.**

So ORDERED and SIGNED on this 11th day of January 2022.



DAVID C. GUADERAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas